

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RAMADA WORLDWIDE	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil Action No. 10-5729(FSH)
	:	
ACCREDITED MEDICAL LLC	:	
	:	REPORT AND RECOMMENDATION
Defendant	:	
	:	
	:	

This matter having come before the Court for a hearing on June 2, 2011 as a result of the Order dated May 12, 2011, directing the defendants to show cause why sanctions should not be imposed pursuant to Fed. R. Civ. P. 16 and/or 41;

and the defendants having failed to appear at the hearing;

and the Court having considered the position of the plaintiff, record of proceedings, and governing law;

and for the reasons set forth in the Opinion delivered on the record on June 2, 2011;

and for good cause shown,

IT IS ON THIS 2nd day of June, 2011

RECOMMENDED that the United States District Judge strike defendants Accredited and Burkner's Answer, direct the Clerk to enter default pursuant to Fed. R. Civ. P. 55, and permit the plaintiff to file a motion for default judgment, pursuant to Fed. R. Civ. P. 16 and/or 41, because of defendants' failure to appear at the hearings on May 12, 2011 and June 2, 2011, failure to participate in the May 19, 2011 telephone conference, and failure to serve discovery. The parties

have fourteen days from the date they are served with this recommendation to file objections to it;

IT IS FURTHER ORDERED that the plaintiff's counsel shall provide a copy of this Report and Recommendation to defense counsel and each defendant by regular mail, certified or overnight mail/return receipt, fax (if available) and email (if available). Because this contact with the defendants is occurring pursuant to court order to ensure that defendants are personally on notice of the recommendation, this is a contact that is not impermissible under RPC 4.2. The plaintiff shall file a certificate of service with the Clerk of the Court; and

IT IS FURTHER ORDERED that defense counsel shall provide a copy of this Report and Recommendation to each defendant by regular mail, certified or overnight mail/return receipt, fax (if available) and email (if available). The defense counsel shall file a certificate of service with the Clerk of the Court.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE